

## PRIORITISING AN INCLUSIVE AND EQUAL TRADE LIBERALISATION POLICY IN THE CONTINENTAL FREE TRADE AREA

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### I. INTRODUCTION

At the 18<sup>th</sup> Summit of the African Union (AU), held in January 2012, African leaders committed to achieve total trade liberalisation through the Continental Free Trade Area (CFTA) by 2017. The objective of this initiative is to generate employment, reduce poverty, increase the inflow of foreign direct investment (FDI), develop African industries and better integrate Africa into the global economy to induce sustainable economic growth.<sup>1</sup> The five year policy is coined the “Action Plan for Boosting African Trade.”

This article briefly discusses the AU’s mandate to promote economic development of African citizens particularly in terms of the proposed CFTA agenda. In particular, this article focuses on women and their historical contribution and struggle for recognition in export trade against current continental policies. Further, this article reflects on the inadequacies of this policy whilst proposing solutions that introduce both an inclusive policy making framework and a gender sensitive trade liberalisation mechanism within the African Union. According to experts, the three major impediments to women’s empowerment in export trade are limited finance, expert business training, and market information. This article concludes by arguing that, because all three factors are interlinked, tackling the inclusive policy making agenda requires true empowerment through knowledge and a right to access. Thus, this article will highlight the role of the AU in trade facilitation for African citizens, give a brief historical account of the disempowerment of African women due to slavery, colonisation and retrogressive policy, and then conclude with suggestions of gender sensitive policy making within the CFTA agenda.

### II. BACKGROUND

#### *A. The African Union’s Responsibility in Integration of Women in Export Trade*

The AU is the supreme political regional body in Africa. It acts through various organs and statutes to achieve regional economic and political integration. The AU has been a means to steer the Pan-African agenda since the Organisation of African Unity’s establishment to strengthen regional cooperation through peace, security, good governance, human rights promotion and sustainable economic growth for an independent Africa. The AU agenda has always promoted self-

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<sup>1</sup> See *Draft Framework, Roadmap and Architecture for Fasttracking the Continental Free Trade Area (CFTA)*, AFR. UNION (Nov. 16, 2011), [http://www.au.int/en/sites/default/files/Draft\\_framework\\_for\\_the\\_CFTA\\_16%20Nov\\_2011%20clean%20F-English.pdf](http://www.au.int/en/sites/default/files/Draft_framework_for_the_CFTA_16%20Nov_2011%20clean%20F-English.pdf).

determination of African peoples through the abolition of slavery, apartheid and other forms of segregation. The long and unpleasant history of Africans under the yoke of imperialist bondage has birthed three evils that have crippled the people of this great continent, namely generational poverty, corruption and Western dependency. Africa, throughout her many sad days before and after colonisation, has supported the Western capitalist system particularly on the backs of millions of slaves. Capitalism is the way the world works and Africa, with all her challenges must wade through that swamp and become an equal trading partner.<sup>2</sup> African nationalism is therefore focused on abolishing the race-based exclusionism of capitalism not abolishing capitalism itself.<sup>3</sup> This is the ideal but the question remains whether it is the practice.

The primary subjects of the AU are state parties as represented by the Assembly of Heads of States. African citizens, however, are also subjects through a representative system and directly through the human rights system and other policies. The trade integration policy is no exception as it directly affects Africans. Whether in bondage or in freedom, Africans, and in particular women, have always been involved in export trade through cross-border trading. Poverty reduction and female empowerment in this era of the African Woman's Decade (2010-2020) has necessitated a campaign for inclusive regional policy making where women are concerned.<sup>4</sup>

The AU has neglected responsibility in basic trade facilitation, knowledge and capacity building for the ordinary citizen. This is despite the fact that there is a platform created within the AU system to bridge the gap between policy makers and individual citizens. The Pan-African Parliament was created as a common platform for African people and their grass-roots organisations to be more involved in discussions and decision-making on the problems and challenges facing the continent. The same agenda must include solution creation as people are fond of mooting on African problems without seeking solutions. African citizens, spearheaded by academics, must take the initiative and ensure that the bridge is functional.

### ***B. The Cruelty of Slavery***

It is important to track the historical development of female exploitation across the continent to be able to understand contemporary disadvantages. The slave trade era (predominantly 1701-1850), probably provides one of the earliest forms of institutionalised exploitation both in terms of productive labour and reproduction. The might of the capitalist North was built on the backs of thirteen million African slaves for a period of 150 years.<sup>5</sup> It is noteworthy however, that international exploitation mostly thrived on internal historical conflicts. Africa has always had the

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<sup>2</sup> "Inclusive and equal globalisation" according to the United Nations Millennium Development Goals that are targeted to be achieved in 2015.

<sup>3</sup> See Ludeki Chweya, *Reversing Rural Poverty in an African country: A Review of the Kenyan Policy Regime*, DEV. POL'Y MGMT. FORUM (Oct. 26, 2006), <http://www.dpmf.org/images/7.pdf>.

<sup>4</sup> Carol Idembe, *A Regional Study on the Visibility of Women Entrepreneurs in the East African Community Intergration Process*, 4 AFR. WOMEN'S J. 22, (2012), [http://femnet.co/index.php/en/african-women-s-journal/item/download/119\\_19deb75cf189fe2c80a770915f25fb69](http://femnet.co/index.php/en/african-women-s-journal/item/download/119_19deb75cf189fe2c80a770915f25fb69). This issue contains other articles that revolve around the same theme.

<sup>5</sup> See Warren C. Whatley & Rob Gillezeau, *The Fundamental Impact of the Slave Trade on African Economies*, U. PA., [http://www.history.upenn.edu/economichistoryforum/docs/whatley\\_10.pdf](http://www.history.upenn.edu/economichistoryforum/docs/whatley_10.pdf).

problem of internal armed conflict and inter-tribal slavery long before slave trade or colonisation and sometimes long after the abolition of international slavery.<sup>6</sup>

The bulk of slave trade took place in West and Central Africa.<sup>7</sup> Male slaves were said to have ‘more value’ than their female counterparts and thus sold to overseas plantations in the Americas, Caribbean and in Europe. The ratio for determining a slave’s value estimated that two females were worth as much as one male.<sup>8</sup> Most slaves that remained in Africa were female, with the exception of East Africans shipped off to Europe and the Indies to give birth to slave labour.<sup>9</sup> The tyranny of slavery was most vicious where African women were undervalued on the trade market yet they bore a double burden of hard labour and a reproductive role. For instance, “slave wives,” in territories such as Mali, were married to produce free labour. Marriage ensured that such slavery became generational.<sup>10</sup> Polygamy allowed free ancestry to co-exist with servile ancestry as slave women and concubines were married into the family for free labour.<sup>11</sup> This same system allowed other family members to be sold for financial gain or bail for the good of the clan, as collective rights always outweigh individual ones in a typical traditional African society.<sup>12</sup>

Slave women in Mali and northern Nigeria were exploited in the textile industry in cotton and indigo plantations that supplied France and Britain.<sup>13</sup> In the Sokoto Caliphate industry in Nigeria, for instance, female slaves spun and dyed cotton, and were involved in management while men did the weaving.<sup>14</sup> This type of slave work was said to be so profitable even for the slaves that it was enough to buy freedom. When an Islamic structure was introduced however, women were barred from skilled work and restricted to spinning. Male slaves were paid more and the women could no longer purchase their freedom.<sup>15</sup> The cruelty of the slave trade era was also manifest in zero recognition of the strenuous manual work done by women. The preparation of harvested palm oil in

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<sup>6</sup> The advent of generational slavery, especially through forced reproduction to produce more slaves, has roots in various parts of the continent even Southern Africa, which never suffered a slave trade. See HAROLD CHILD, *THE HISTORY AND EXTENT OF RECOGNITION OF TRIBAL LAW IN RHODESIA* 2 (1976).

<sup>7</sup> Whatley & Gillezeau, *supra* note 5.

<sup>8</sup> See Emmanuel Akyeampong & Hyppolyte Fofack, *The contribution of African women to economic growth and development: historical perspectives and policy implications-- Part I: the pre-colonial and colonial periods*, WORLD BANK (2012), [http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2012/04/25/000158349\\_20120425083258/Rendered/PDF/WPS6051.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2012/04/25/000158349_20120425083258/Rendered/PDF/WPS6051.pdf).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 15. Some African men married female slaves to circumvent obligations of kinship (i.e. they owned their families). The concept of ‘rights in persons’ describes the effects of kinship or family slavery.

<sup>11</sup> *Id.* at 15

<sup>12</sup> *Id.* at 14-15. For more information about the African concept of collective human rights consult Adamantia Pollis, *Liberal, Socialist and Third World Perspectives on Human Rights*, in *TOWARD A HUMAN RIGHTS FRAMEWORK* (Peter Schwab & Adamantia Pollis eds., 1982).

<sup>13</sup> See RICHARD L. ROBERTS, *TWO WORLDS OF COTTON: COLONIALISM AND THE REGIONAL ECONOMY IN THE FRENCH SOUDAN, 1800-1946* (1996).

<sup>14</sup> Akyeampong & Fofack, *supra* note 8, at 11.

<sup>15</sup> *Id.* at 11-12.

West Africa for instance was seen as “an extension of domestic chores involved in the preparation of this traditional crop.”<sup>16</sup>

Abolition of slavery in 1803 (Denmark), 1807 (Britain) and 1808 (USA) did not change the conditions for African women.<sup>17</sup> Emerging colonial powers were reluctant to institute concrete bans and thus internal structures indirectly condoned slavery.<sup>18</sup> In the realm of kinship slavery for instance, colonial powers simply brushed it off as ‘affairs of native custom.’<sup>19</sup> Consequently, African women continued providing their important free labour of boosting the continent’s cash crop market.<sup>20</sup> Various scholars attribute the Gold Coast’s (i.e. Ghana) success as the world’s leading cocoa producer to female slavery.<sup>21</sup> Slavery and subsequently colonisation, elevated the status of men to the detriment of women as the capitalist market grew. The profits of cash crops were taken by men.<sup>22</sup> Furthermore, women’s efforts were restricted to manual labour such as hoeing, weeding, harvesting and processing, whilst men took managerial posts as well as allocation rights over all cash crops. In summary, this era simply robbed women of any freewill and any avenues for empowerment despite all the skill and hard work that they invested in Africa’s export trade market for over a century and a half.

### *C. Colonisation and Post-Independence*

African women had very limited access to skilled work due to lack of sufficient educational opportunities and an exploitative labour regime. Most had to be self-employed as vegetable vendors, sex workers, and “shebeen queens” (brewers of home-made beer).<sup>23</sup> To date, most women are engaged in the informal sector due to various historical disadvantages.<sup>24</sup> Contemporary governments simply inherited the colonial policy of ignoring the informal sector. Zimbabwe, for instance, arbitrarily attempted to destroy the nation’s entrepreneurial spirit during Operation Murambatsvina in 2005.<sup>25</sup> Various vegetable stalls, front yard truck shops, barber shops, hair salons, backyard workshops and houses were razed to the ground by security forces creating a grave humanitarian situation.<sup>26</sup> The government decided to do away with unregulated entrepreneurs, who were mostly women, rather than create a formal structure to support them.

<sup>16</sup> *Id.* at 15.

<sup>17</sup> *Id.*; see also *General Act of the Berlin Conference on West Africa*, ABOUT.COM, <http://africanhistory.about.com/od/eracolonialism/1/bl-BerlinAct1885.htm>.

<sup>18</sup> Akyeampong & Fofack, *supra* note 8, at 15.

<sup>19</sup> *Id.* at 19.

<sup>20</sup> See Beverly Grier, *Pawns, Porters and Petty Traders: Women in the Transition to Cash Crop Agriculture in Colonial Ghana*, 17 SIGNS 304 (1992).

<sup>21</sup> See GARETH AUSTIN, *LABOR, LAND AND CAPITAL IN GHANA: FROM SLAVERY TO FREE LABOR IN ASANTE, 1807-1956* (2005); see also CHRISTINE OKALI, *COCOA AND KINSHIP IN GHANA: THE MATRILINEAL AKAN OF GHANA* (1983).

<sup>22</sup> Akyeampong & Fofack, *supra* note 8, at 16.

<sup>23</sup> See Chipso Hungwe, *Putting them in their place: “respectable” and “unrespectable” women in Zimbabwean gender struggles*, 6 FEMINIST AFR. 33 (2006), [http://agi.ac.za/sites/agi.ac.za/files/fa\\_6\\_feature\\_article\\_3.pdf](http://agi.ac.za/sites/agi.ac.za/files/fa_6_feature_article_3.pdf).

<sup>24</sup> See Lucy Mazingi & Richard Kamidza, *Inequality in Zimbabwe*, OPEN SOC’Y INITIATIVE FOR S. AFR. (2010), [http://www.osisa.org/sites/default/files/sup\\_files/chapter\\_5\\_-\\_zimbabwe.pdf](http://www.osisa.org/sites/default/files/sup_files/chapter_5_-_zimbabwe.pdf).

<sup>25</sup> ‘Murambatsvina’ literally means ‘refuse the filth’ or ‘clean up the filth.’

<sup>26</sup> See UN Special Envoy on Zimbabwe evictions briefs Security Council, UN NEWS CENTRE (Jul. 27, 2005), <http://www.un.org/apps/news/story.asp?newsID=15181&cr=zim#.UwRMlkjdWe0>. For the official report see Anna Kajumulo Tibaijuka, *Report of the Fact-Finding Mission to Zimbabwe to assess the*

African women play a pivotal role in national economies particularly through the informal sector and cross border trading that is common amongst Southern African Development Community states. Domestic economic policies, particularly for small to medium sized business enterprises, though noble are limited and there is a lack of government commitment to advancing female entrepreneurship through formal recognition of cross border trading.

### III. Inclusive and Equal Policy Making in Continental Trade

#### *A. Redefining "Economic Empowerment"*

Empowerment is a process by which those who have been denied power gain power, in particular the ability to make strategic life choices<sup>27</sup> and to transform those choices into desired actions and outcomes.<sup>28</sup> Women's empowerment, especially in export trade, requires redress of past wrongs through knowledge and granting rights of access.

Education is a very important aspect in the building of a state's legal, political and economic structure.<sup>29</sup> Colonial manipulation of the type and amount of information, language skills and practical skills allowed colonialists to exploit Africans in furtherance of capitalism.<sup>30</sup> The educational system set the foundation for disempowerment and generational poverty.<sup>31</sup> Knowledge encompasses both formal and informal education, awareness and training. Education also provides the necessary skills base to advance an individual within the capitalist system either in formal employment or through entrepreneurship. Sadly, there is still a high rate of adult illiteracy in Africa, especially amongst women. Statistics in 2010 show that every second woman in Morocco, Central African Republic, Gambia, Madagascar, Mozambique, Guinea Bissau, Togo and Nigeria is illiterate.<sup>32</sup>

CFTA's proposers therefore need to prioritise sufficient training of women traders to help them increase their capacity. The "ACCESS! Export Training for Women Entrepreneurs" project, funded by the Canadian International Development Agency (CIDA), is one such programme that

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*Scope and Impact of Operation Murambatsvina*, UN SPECIAL ENVOY ON HUMAN SETTLEMENT ISSUES IN ZIMBABWE (Jul. 18, 2005),

<http://www1.umn.edu/humanrts/research/ZIM%20UN%20Special%20Env%20Report.pdf>.

<sup>27</sup> See Anju Malhotra & Sidney Ruth Schuler & Carol Boender, *Measuring Women's Empowerment as a Variable in International Development*, WORLD BANK (June 28, 2002),

<http://www4.worldbank.org/afr/ssatp/resources/html/gender-rg/source%20%20documents/technical%20reports/gender%20research/tegen5%20measuring%20women's%20empowerment%20icrw%202002.pdf>.

<sup>28</sup> See Ruth Alsop & Nina Heinsohn, *Measuring Empowerment in Practice: Structuring Analysis and Framing Indicators*, WORLD BANK (Feb. 2005), <http://elibrary.worldbank.org/doi/book/10.1596/1813-9450-3510>.

<sup>29</sup> Akyeampong & Fofack, *supra* note 8, at 25.

<sup>30</sup> See Alexander Hrituleac, *The Effects of Colonisation on African Economic Development: A Comparative Analysis between Ethiopia, Senegal and Uganda*, AARHUS U. (Dec. 2011), [http://pure.au.dk/portal-asb-student/files/41656700/Alexandra\\_Hrituleac\\_thesis\\_1\\_DEC.pdf](http://pure.au.dk/portal-asb-student/files/41656700/Alexandra_Hrituleac_thesis_1_DEC.pdf).

<sup>31</sup> Mazingi & Kamidza, *supra* note 25. See also Akyeampong & Fofack, *supra* note 8, at 22.

<sup>32</sup> See *Adult and Youth Literacy, 1990-2015: Analysis of data for 41 selected countries*, UNESCO (2012), <http://www.uis.unesco.org/Education/Documents/UIS-literacy-statistics-1990-2015-en.pdf>.



can be copied and developed by the AU.<sup>33</sup> This programme provides skills, market access and networking through three stages: Modula Training, Business Counselling Services, and Market Development and Business Networking. ACCESS! provides export training, mentorship, counselling, trade intelligence, and product and market development.<sup>34</sup> The program has been successfully run in three trading blocs in partnership with CIDA and the International Trade Centre (ITC) namely the Common Market for Eastern and Southern Africa (COMESA), the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS).<sup>35</sup>

### *B. Empowerment Means Right of Access*

The problem of empowerment goes beyond lack of money or access to resources. Empowerment has been defined within a multidimensional process that encompasses economic, civil, political, social and cultural dimensions. These factors contribute to social norms, roles and responsibilities that dictate a woman's relationship to work and their sense of self-worth and well-being. During the colonial period women migrated to towns to:

Increase their options and opportunities for self improvement, even though the unskilled and unschooled had no illusions about their chances of obtaining wage employment in the urban areas[...]. It was not so much the money they made but the fact that they controlled the fruits of their labour which counted.<sup>36</sup>

Empowerment is about having command over one's destiny, within a determined opportunity structure (the institutional context in which choice is made).<sup>37</sup> As shown by case studies in South Africa, access begins with participation in policy-making that affects women's empowerment.<sup>38</sup> Only then is it possible to achieve access to both formal and informal employment that allows women to see their personal growth and self-evaluate the effectiveness of their own contributions.<sup>39</sup> In its "Gender Action Plan," the World Bank called for greater market access if Africa is to advance millennium development goal three.<sup>40</sup> In addition, earning an income or having access to credit cannot be assumed to bring automatic benefits for women.<sup>41</sup>

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<sup>33</sup> See Lisa Fancott, *Case Story on Gender Dimension of Aid for Trade*, ORG. FOR ECON. COOPERATION & DEV., <http://www.oecd.org/aidfortrade/47708148.pdf>.

<sup>34</sup> See *African women get ACCESS! to crack export markets*, INT'L TRADE CTR. (2013), <http://www.womenexporters.com>.

<sup>35</sup> *Id.*

<sup>36</sup> See CHRISTINE OBBO, *AFRICAN WOMEN: THEIR STRUGGLE FOR ECONOMIC INDEPENDENCE* 122 (1986).

<sup>37</sup> Alsop & Heinsohn, *supra* note 29.

<sup>38</sup> See Barbara Klugman, *Empowering Women Through the Policy Process: The Making of Health Policy in South Africa*, in *WOMEN'S EMPOWERMENT AND DEMOGRAPHIC PROCESSES: MOVING BEYOND CAIRO* 95 (Harriet B. Presser & Gita Sen eds., 2000).

<sup>39</sup> See Zoe Oxaal & Sally Baden, *Gender and Empowerment: Definitions, Approaches and Implications for Policy*, BRIDGE REP. (2007), <http://www.bridge.ids.ac.uk/reports/re40c.pdf>.

<sup>40</sup> The Action Plan seeks to advance women's economic empowerment in the World Bank's client countries in order to promote shared growth and accelerate the implementation of the third Millennium Development Goal (MDG). MDG3 aims to promote gender equality and women's empowerment. See *Gender Equality as Smart Economics: A World Bank Group Gender Action Plan (Fiscal*

The solution to Africa's own problems are in her own hands. The Maputo Protocol provides useful guidelines, in Article 13, on economic and social welfare rights. The article broadly includes equal employment opportunities, formalising and providing social insurance in the informal sector, and recognising the economic value of care work, amongst "career advancement and other economic opportunities." This is particularly important as Africa recognises that women are the primary earners in the 21<sup>st</sup> century who require as much support as men to maximise their abilities.

#### **IV. CONCLUSION**

Ensuring complete trade liberalisation within five years on a continent that still suffers various negative effects of capitalism is a difficult task. The dilemma that emerging African states are faced with is balancing the need to empower women as a group, through cooperative and socialist schemes, and the need to empower them individually by creating better entrepreneurial opportunities in national and regional markets. Further, the colonial system has established the international market in favour of former colonial powers, based on an inter-dependency relationship.

It is therefore a grave challenge for Africans to have autonomous development, more so disempowered groups like women.<sup>42</sup> The promise made by African heads of state "ensuring that the negative effects of globalisation and any adverse effects of the implementation of trade and economic policies and programmes are reduced to the minimum for women" will be a mammoth task.<sup>43</sup> The AU must not appear to be deliberately attempting to avoid any obligation in the actual realisation of favourable trade policies. Inclusive and equal trade liberalisation is not an option for the AU, it is mandatory.

It is therefore important that the AU advance continental cooperation for the benefit of its citizens through close collaboration with sub-regional blocs. Such an undertaking will necessarily be further complicated by the multiplicity of bilateral and multilateral trading agreements with Western partners that are truly retrogressive and harmful to continental efforts. The proposed inclusive and equal policy within the AU can only succeed if implemented wholesale at the domestic level. History has shown that African women have always been primary earners with very little or no government support. Including women in national and regional economic policies will reduce poverty and bring direct, tangible economic benefits to our communities as women will have the opportunity to determine their own destinies with participation in policy decisions, trade intelligence and equal access to markets and resources.

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years 2007-10), WORLD BANK (Sept. 2006),  
<http://siteresources.worldbank.org/INTGENDER/Resources/GAPNov2.pdf>.

<sup>41</sup> *Id.* at 2.

<sup>42</sup> For a detailed discussion of the concept of 'empowerment' and its relation to development reference Sarah Mosedale, *Assessing Women's Empowerment: Towards a Conceptual Framework*, 17 J. OF INT'L DEV. 243 (2005), <http://www3.interscience.wiley.com/cgi-bin/jissue/109931317>.

<sup>43</sup> As evidenced in Article 19(f) of the Banjul Charter. See *African Charter on Human and Peoples' Rights*, AFR. COMM'N ON HUMAN AND PEOPLE'S RIGHTS, <http://www.achpr.org/instruments/achpr/>.